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January 31, 2025

**VIA ECF**

Honorable Katherine Polk Failla  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2103  
New York, New York 10007

**MEMO ENDORSED**

Honorable Lewis J. Liman  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1620  
New York, New York 10007

Honorable Vernon S. Broderick  
United States District Court  
Southern District of New York  
40 Foley Square, Room 415  
New York, New York 10007

Re: *Pierre v. Fashion Retail NYC LLC et al*  
Case No. 1:24-cv-06895-KPF (the “Pierre Action”)

*Range, Jr. v. RHC Operating LLC et al.*  
1:24-cv-08467-LJL, 6, 2024 (the “Range Action”)

*Giroto v. Fashion Retail NYC LLC et al.*  
1:24-cv-08836-VSB (the “Giroto Action”)

Dear Judges Failla, Liman and Broderick:

We represent Defendant RHC Operating LLC (“RHC”) in the above-referenced matters. This letter is submitted to request that the Court consolidate the Pierre Action with the Range Action and the Giroto Action pursuant to Fed. R. Civ. P. 42(a)(2). Counsel for Fashion Retail NYC LLC in the

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Pierre Action also represents that entity in the Range Action and the Girotto Action. None of the attorneys for the other parties are joining in this application.

The basis for this application is that all three cases are essentially identical: All three cases were filed by disabled plaintiffs, represented by three different law firms, who assert identical claims against the same two defendants (the store owner and landlord). All three plaintiffs aver that the Fashion Retail store is inaccessible in violation of the Americans with Disabilities Act and other public accommodation laws and seek damages, injunctive relief and attorneys' fees. Given the identical claims and anticipated identical defenses, it would be in the interest of judicial economy to have these cases consolidated to eliminate the possibility of inconsistent rulings, streamline the discovery and settlement process, and reduce the burden on the Court and defendants. The possibility of submitting such an application was discussed at a recent appearance in the Pierre Action.

In the Range Action, the Court has scheduled an initial conference for February 11, 2025, and has directed that the parties submit a proposed case management plan and scheduling order on February 4, 2025. We request that the conference be adjourned sine die and the required filing be excused pending determination of the instant application.

We thank the Court for its attention to this matter.

Respectfully,

/s/ Peter T. Shapiro

Peter T. Shapiro of  
LEWIS BRISBOIS BISGAARD & SMITH LLP

PTS:mf

cc: all counsel of record (via ECF)

The Court is in receipt of Defendant RHC Operating LLC's letter motion to consolidate this action with two other pending cases in this district. (Dkt. #26). The other parties to this action are directed to file their response to Defendant RHC Operating LLC's motion, if any, on or before **February 5, 2025**.

Dated: February 3, 2025  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE